


**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DORIS TAPLIN,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-09-1241-F
	)	
WARDEN NEWTON-EMBRY,	)	
	)	
Respondent.	)	

**ORDER**

This action is filed by petitioner seeking habeas relief in connection with a state court conviction. On February 18, 2010, Magistrate Judge Robert E. Bacharach filed a Report and Recommendation (doc. no. 13) recommending that respondent's motion for summary judgment (doc. no. 10) be granted on grounds of timeliness. (The motion was filed as a motion to dismiss but respondent relied on evidence outside the habeas petition and the Magistrate Judge converted the motion to one for summary judgment. See order, doc. no. 12.) The Report advised petitioner that failure to timely object to the Report forecloses appellate review of the suggested ruling contained in the Report. Petitioner has not responded to the Report and has not asked for an extension of time within which to respond. With no objection having been filed, the court, after review, hereby **ADOPTS, ACCEPTS and AFFIRMS** the Report and Recommendation of the Magistrate Judge. Accordingly, the motion for summary judgment is **GRANTED**.

Dated this 23<sup>rd</sup> day of March, 2010.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE